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ALASKA COASTAL MANAGEMENT PROGRAM

DRAFT EIS MEETING

October 31, 2005

Centennial Hall

Juneau, Alaska

1 P R O C E E D I N G S

2 (Juneau, Alaska - 10/31/2005)

3 MS. BASS: Welcome. This is the first
4 in two hearings that we're having on the Alaska Coastal
5 Management Program Draft Environmental Impact
6 Statement. This is just the basic overview slides, you
7 know where you are. Under the National Environmental
8 Protection Act, we're required to do an EIS on any
9 action that's taken by the Federal government that
10 could have impacts on the environment so the action
11 that we're taking is OCRM's review and approval of
12 changes to the Alaska Coastal Management Program.

13 I know for everybody here this isn't
14 anything new so what I'd like to do with the PowerPoint
15 presentation is just go over some of the highlights
16 that came out in the DEIS.

17 So the purpose of the action is to
18 allow the Alaska Coastal Management Program to continue
19 with certification of the Federally-approved program,
20 to receive annual grants under the CZMA, to implement
21 the Revised Alaska Coastal Management Program and to
22 conduct Federal consistency reviews based on these
23 revisions.

24 And then the need for the action under
25 NEPA is based on NOAA's Federal requirement under the

1 CZMA that when a State makes changes to its Coastal
2 Program it has to submit them to OCRM and we have to
3 approve them.

4 So basically at this point OCRM has
5 given preliminary approval to Alaska for those changes.
6 And when they did it's up to us to determine whether
7 those changes are substantial enough to require an
8 environment assessment or an environmental impact
9 statement and our office determined they require an
10 environmental impact statement.

11 So under the EIS we came out with three
12 alternatives that were possible by our office.

13 The first one was to approve the Alaska
14 Coastal Management Program changes that were submitted.

15 The next two are very similar, one was
16 no action and one was to deny approval of the
17 amendment.

18 The no action would mean that when the
19 State submitted the program change, either OCRM would
20 take no action on the submittal or would be slow to
21 act. Now, typically what would happen in that case is
22 that a state could presume the concurrence on the part
23 of OCRM, and it would be approved. In this case that
24 wasn't going to happen because the state had adopted a
25 law that if OCRM denied the approveability, or it

1 wasn't just denied the approveability but if OCRM
2 didn't actually approve the Coastal Program changes
3 then the State Coastal Management Program would sunset.
4 So in other words if we didn't say yes and we didn't
5 say no, the program would still sunset.

6 And then the third one was we would out
7 and out deny approval of the amendment.

8 So our preferred alternative is to
9 approve the Alaska Coastal Management Program, and
10 that's what the finding of the DEIS ultimately is.

11 So major findings of the DEIS.

12 In general we didn't find that there
13 were any, or many large impacts and in part this was
14 due to the fact that the program changes themselves are
15 primarily restructuring of the Alaska Coastal
16 Management Program within the regulatory requirements
17 of the CZMA.

18 And we couldn't really predetermine
19 impacts based on sort of an implementation of a
20 restructuring of the program. In other words, a large
21 part of the idea of the program change was that there
22 was going to be a switch from a shared governing of the
23 Coastal Management Program between the State and the
24 local governments, but now there was going to be a
25 larger focus on just State government of the ACMP. And

1 just because there was going to be a more focus on that
2 didn't mean -- that there still would be coverage --
3 same level of coverage for the environment and
4 basically the coastal resources would still continue to
5 be covered by existing State and Federal laws and we
6 assume just based on what the State was saying, which
7 was, you know, as long as it had -- the things that
8 were changed in the State program were redundancies
9 then there would be a similar amount of coverage. And
10 as a Federal government we can't necessarily assume
11 that there would be any lessening of coverage as long
12 as there was a similar amount of coverage.

13 Certainly the State is allowed to
14 determine under the Coastal Zone Management Act what
15 level of participation will be had by the State and/or
16 local governments in administering the Coastal Program.

17 So some major findings of the DEIS,
18 instead tended to concentrate on the impacts and
19 substantive changes to the Alaska Coastal Management
20 Program policies that did not immediately appear to be
21 adequately by other State or Federal laws. And if you
22 look in the DEIS some of those were things like the
23 mining, which the State Coastal Management Program
24 removed mining itself from the specific mining
25 requirements under the ACMP from the Coastal Program,

1 so that would be an example.

2 And then we also looked at the
3 structural changes that would impact the implementation
4 of the ACMP, for example, the various ways that the
5 local district governments would now write their plans.
6

7 And then there was another finding that
8 Alternatives 2 and 3 would result in repeal in
9 determination of the Alaska Coastal Management Program
10 under the Alaska State law.

11 So when we did our analysis, and really
12 this is a really brief highlight of what we found.

13 For Alternative 1, which was the
14 approval of the findings for impacts to physical
15 resources, positive ones, we found additional coverage
16 for natural hazard areas and coastal access based on
17 improvements to the State standards. Negative impacts
18 we felt were the new requirements for districts
19 regarding designating subsistence areas and not
20 allowing mitigation of projects impacts would
21 eventually negatively affect the subsistence resources.
22 So really the only two on one side or the other.
23 Basically for the other resources that we looked at, in
24 general, the impacts were felt to be neutral, either
25 they were -- where there were negative impacts in some

1 cases, we felt that they would be offset by other
2 elements that would still be in place or by programs
3 that would continue to be in place even if there were
4 changes to the standards.

5 For Alternatives 2 and 3, which would
6 be sort of the eradication of the Coastal Program, for
7 physical resources we felt there would be no positive
8 impact at all to have the program go away. And for
9 negative impacts, clearly we felt that the State could
10 no longer apply Federal consistency provisions for any
11 Federal activities or Federally-funded activities under
12 the CZMA so there wouldn't be that interaction with
13 Federal agencies that there currently is. And that
14 would be, you know, a negative impact to the physical
15 resources and there also would be a loss of State
16 Coastal Program and its coastal standards which, you
17 know, do serve some form of protection.

18 Then for socio-economic resources, sort
19 of in addition to what we would be looking at, other
20 than physical resources, the major finding said for
21 positive impacts, a lot of them focused on sort of what
22 the program would garner by having these changes in
23 place. A lot of it would be related to increased
24 permitting efficiency in coastal areas. The clearer
25 guidance in the coastal standards, which there's

1 clearly some improvement in that, there will be
2 financial and time savings for capital investors with a
3 streamline permitting process and an economic benefit
4 to the State from increased investment. And there
5 weren't really any negative effects associated with the
6 socio-economic resources. And, again, if we say that I
7 think, again, that's just sort of a very brief overview
8 of what was said in the document which tended to look
9 at, okay, if there are any negative effects, in some
10 cases these are offset, so that it becomes neutral
11 instead of negative. I think you have to read the
12 document carefully to understand that.

13 For the Alternatives 2 and 3, again,
14 doing away with the coastal program, socio-economic
15 resources, there aren't any positives that we could
16 identify that would be related to those alternatives.
17 And for negative effects related to Alternatives 2 and
18 3 for socio-economic resources, there would be clearly
19 the loss of Coastal Zone Management of funding for
20 state implementation of its coastal program which is
21 approximately \$1.5 million a year. That's not just for
22 this state but it also flows to the districts. And
23 then a loss of the benefits associated with Alternative
24 1, which were things like streamline permitting and,
25 you know, improved investment opportunities.

1 Now, the other major finding of the
2 DEIS and what we're required to -- what a Federal
3 agency is required to look at is environmental justice
4 issues for any of our Federal actions. So Federal
5 agencies are required to consider environmental, which
6 means in health, economic and social effects of our
7 proposed actions on minority and low income
8 communities. And the DEIS does go into detail looking
9 at the composition of Alaska's coastal population and
10 its communities and their representation of minority
11 and low income population and their reliance in this
12 particular case on subsistence economy and lifestyle,
13 and clearly it is a large part of their population. So
14 we did find that the DEIS identified potentially
15 negative impacts to subsistence resources in the
16 coastal area associated with this action and so our
17 preferred alternative which would be to approve the
18 program changes will result in a disproportionate
19 potential for economic impacts on Alaska's minority and
20 low income populations as well as social impacts in
21 terms of coastal district participation in subsistence
22 resource management based on the changes that have been
23 made to how their local district plans are implemented.
24 So, in the end, the conclusion for the
25 DEIS is that the State has restructured its Coastal

1 Management Program and revised its statewide standards
2 in compliance with the requirements of the Coastal Zone
3 Management Act. Our review finds that the majority of
4 the revisions will likely result in primarily neutral
5 effects to the physical and socio-economic environment
6 simply because existing laws that are currently in
7 place at the State and the Federal level will continue
8 to provide a level of protection, an oversight of
9 resources that won't change because of these revisions
10 to the standards. And that, while there may be some
11 adverse effects that cannot be avoided, the
12 alternatives of repeal and termination of the ACMP
13 would result in considerably more negative impacts to
14 the Alaska's coastal resources, including the loss of
15 Federal consistency and district programs, which is how
16 we reached our conclusion and our preferred
17 alternative.

18 So for right now our schedule for
19 completing the program and reaching the FEIS and Record
20 of Decision is just what it says, which is:

21 November 7th the comment period will
22 end for the DEIS.

23 We have scheduled a conference call
24 with interested Native Alaskan governments on November
25 9th, which they can still provide comments -- the

1 comment period -- between the comment period and when
2 the open period for when the FEIS is published and the
3 30 day closes is still amenable to there being changes
4 to the DEIS, or at that point the FEIS.

5 November 18th we will issue the FEIS
6 for 30 days and it will include our response to any
7 comments we receive on the DEIS as well as our
8 conversations with the Native Alaska governments and it
9 will include any revisions we make to the DEIS based on
10 these comments.

11 December 19th we'll adopt the EIS.

12 December 28th we'll issue our Record of
13 Decision and our program amendment decision, which are
14 different things. The Record of Decision has to do
15 with the findings under NEPA, which basically is
16 environmental impacts of our decision. And then our
17 program amendment decision is what we're required to
18 find under the Coastal Zone Management Act, which is
19 did we approve the program change or not.

20 So this is the information that you'll
21 need if you'd like to provide comments. If you have
22 any comments here today that are written you can give
23 them to me and I'd be happy to take them as well as any
24 comments that you'd like to have now. Masio Okasaki
25 has the list of names of people who would like to

1 provide comments. We have a transcriber here who will
2 take your comments down so we can bring them back and
3 work them into the EIS.

4 So thank you.

5 MR. WARRENUK: Good morning. My name
6 is John Warrenuk. I'm a marine biologist with
7 Oceana, which is an international marine advocacy
8 group, we fight to protect our oceans. And I'd like to
9 thank you for the opportunity to provide public comment
10 here in Juneau this morning.

11 In over the past two years, two Blue
12 Ribbon reports, the PUGH Oceans Commission and the U.S.
13 Commission on Ocean Policy reported that our oceans are
14 in peril and we must immediately change the way we
15 manage them.

16 Both these reports identified four big
17 threats to our ocean ecosystems. These are habitat
18 destruction, unsustainable fishing, pollution and
19 coastal and ocean development. The first three can all
20 be impacted by unmitigated coastal development.
21 Scientists from around the world are cautioning about
22 the dangers of ill-conceived coastal development and
23 we've seen, of course, in recent news reports about
24 hurricane damage in the Lower 48 that coastal
25 development can have unintended sweeping effects.

1 Here in Alaska, thankfully, we have the
2 healthiest and most productive ecosystems in the U.S.
3 We actually provide more than half of the seafood
4 harvested in U.S. waters, and just as important is many
5 Alaskans reliance on the ocean for a subsistence
6 lifestyle. It is these coastal areas that we're
7 talking about that provide most -- that are most
8 important to this productivity. They provide spawning,
9 breeding, feeding grounds for a variety of fish, birds
10 and marine mammals. Specifically and particularly
11 susceptible are our Alaskan salmon which support one of
12 our most valuable fisheries and employ the most fishing
13 jobs in Alaska.

14 Now, over the past 20 years, the local
15 coastal communities have been the major deciding voice
16 in how responsible coastal development can happen in
17 Alaska, and it's been working. Now, despite
18 overwhelming public testimony opposing these proposed
19 changes, first the State, and now the Federal
20 government is plowing ahead with coastal zone
21 management changes that silence the voices of Alaska's
22 coastal communities.

23 Alaska's families depend on healthy
24 ocean ecosystems. The oceans are critical to our
25 economy, recreation, subsistence and culture.

1 This proposal is a thinly veiled
2 maneuver to remove the people of Alaska from critical
3 development decisions so as to allow unmitigated,
4 unregulated exploitation by global industry. It is a
5 betrayal by the Governor to surrender our coastal
6 people and their rights. This action cuts off the
7 lifeline of communication for coastal communities of
8 what is to happen to the way of life. It would be the
9 height of hypocrisy for the Federal government now to
10 condone this action.

11 Finally, the final say on coastal
12 development projects should go to the people who live
13 and work in the communities affected by these coastal
14 development projects.

15 We will be submitting written public
16 comments by the November 7th deadline, and that
17 concludes my testimony.

18 MS. BASS: Thank you. We'll be here
19 until 3:00 so come on back.

20 (Off record)

21 (On record)

22 MS. TERRELL: For the record my name is
23 Paula Terrell. I am here for the Alaska Marine
24 Conservation Council. And I really will make this very
25 brief because I'm not going to testify on the substance

1 of it at this point. I hope that there will be
2 somebody in Anchorage that will testify on the
3 substance.

4 But unless I'm mistaken the meetings
5 you are having, and please correct me if I'm wrong, in
6 Anchorage and Juneau, and they are not being
7 teleconference do any of the other areas throughout the
8 state; am I correct?

9 MS. BASS: That's correct.

10 MS. TERRELL: And I really think that
11 that is a huge mistake with the coastal communities,
12 they're the ones who are directly involved. They do
13 not have an opportunity to give their input. I know
14 they can do written comments, but in many cases their
15 language is -- English is not their first language and
16 I would question whether this is really -- whether this
17 is really appropriate and actually legal to be doing
18 this with cutting out a really huge section of our
19 Alaskan public.

20 And I just wanted to go on the record
21 for that. That's it.

22 MS. BASS: Thank you.

23 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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3 UNITED STATES OF AMERICA)
4) ss.
5 STATE OF ALASKA)
6

7

I, Joseph P. Kolasinski, Notary Public in and for
8 the state of Alaska, and reporter for Computer Matrix
9 Court Reporters, LLC, do hereby certify:

10

THAT the foregoing DRAFT EIS Meeting on the Alaska
11 Coastal Management Plan was electronically recorded by
12 Computer Matrix Court Reporters, LLC on the 31st day of
13 October 2005, commencing at the Centennial Hall in
14 Anchorage, Alaska;

15

That this hearing was recorded electronically and
16 thereafter transcribed under my direction and reduced
17 to print;

18

IN WITNESS WHEREOF, I have hereunto set my hand
19 and affixed my seal this 13th day of November 2005.

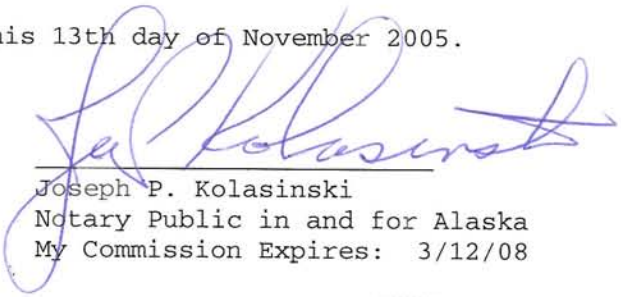
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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 3/12/08



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ALASKA COASTAL MANAGEMENT PROGRAM

DRAFT EIS MEETING

November 1, 2005

Marriott Hotel

Anchorage, Alaska

1 P R O C E E D I N G S

2 (Anchorage, Alaska - 11/1/2005)

3 MS. BASS: Okay. I'd like to welcome
4 you to the public hearings on the draft EIS for the
5 amendments to the Alaska Coastal Management Program.
6 My name is Helen Bass, the primary author on the DEIS.
7 And in the back we have, sorry, Masio Okasaki and she's
8 the coastal management special for Alaska.

9 Just some basic just kind of rules for
10 the hearing. The hearing's being transcribed. We're
11 going to have people come up and speak after I give a
12 short presentation. People will be given about five to
13 seven minutes to speak. If you have a hard copy of
14 your speech, then you can give it to Massi at the end.
15 And then we're going to be calling people up in the
16 order that they signed in.

17 Anyway, so first of all, NOAA's
18 required when we receive a set of changes from a
19 coastal management program to conduct a review of it.
20 And if it's a routine program change, it's not subject
21 to an environmental assessment or an environmental
22 impact statement. However, when it's a -- when it has
23 significant impacts, we then do either an EA or an EIS
24 on it.

25 So in the case of Alaska, we determined

1 that we had to do an EIS, and just -- under NEPA, one
2 of the things you do is you look at what the action is
3 being evaluated. In this case, it was our review and
4 approval of the changes to the Alaska Coastal
5 Management Program.

6 And the purpose of the action would be
7 to allow Alaska to continue certification of the
8 federally-approved Coastal Management Program with
9 these changes made to it, to receive annual grants
10 under the CZMA to implement the revised coastal
11 program, and to conduct federal consistency reviews
12 using those revised regulations.

13 The need for action is what I just
14 discussed, the requirements under the Coastal Zone
15 Management Act.

16 I want to cover -- this is a very brief
17 presentation, a very brief overview of what's in the
18 document itself, but I wanted to hit the highlights.

19 In the -- for the EIS, we found that
20 there were basically three alternatives or choices of
21 decisions that we could make. We could, first, approve
22 the Alaska Coastal Management Program changes as they
23 were submitted on June 2nd, and that became our
24 preferred alternative. There's the no action
25 alternative, which is basically OCRM would take no

1 action, in other words, not decide one way or another
2 on the program change, or be slow to act. In other
3 words, there -- well, basically in the CZMA we have 30
4 days to respond to a state's request to incorporate
5 changes, and if we had allowed that 30 days to lapse
6 without responding to the state, that would be also
7 considered a no action alternative. And then the third
8 was to deny approval of the amendment. So those were
9 the alternatives that were evaluated as part of the
10 DEIS.

11 And once we had determined that those
12 were the alternatives, we then looked at the impacts of
13 those various alternatives. Just a sort of a general
14 overview, it was difficult to come up with impacts,
15 because the way the program change was done, it was a
16 restructuring of the ACMP within the regulatory
17 requirements of the Coastal Zone Management Act. It
18 was more a transfer of the role of the state and the
19 local government in implementing the coastal management
20 program, and it -- less than it was an actual change to
21 the regulations under which the program would be --
22 would -- well, under which the resources would be
23 managed so much. So that was a part of it.

24 In other words, it's difficult to
25 really consider the impacts and predetermine on the

1 basis of implementation that we can't know yet. So we
2 really couldn't determine if the state was going to --
3 if the state was now doing to implement the program
4 more so than the local government, what the impacts
5 would -- that would be, if the coverage was basically
6 the same for the resources. And that was one of the
7 state's main points was that the coastal resources
8 would continue to be covered by the existing state and
9 federal laws.

10 And then I guess just to point out from
11 the start that we considered from the very start that
12 alternatives 2 and 3, which was no action or denial of
13 the program amendment request would result in repeal
14 and termination of the coastal management program
15 altogether under Alaska state law which had been passed
16 and said that if they didn't have approval by our
17 office by December 31st, 2005, that the program would
18 sunset. So any impacts we looked at for those
19 alternatives took that into consideration.

20 So in looking at the major findings of
21 the DEIS, I really just wanted to cover the highlights
22 of the impacts that we looked at. First we looked at
23 physical resources and then at the socio-economic
24 environment resources.

25 Under physical resources, just very

1 briefly, positive impacts seemed to be for additional
2 coverage for natural hazard areas and coastal access.
3 Negative impacts were found for -- based on the new
4 requirements for districts, and regarding there -- the
5 requirements to designate subsistence areas in a new
6 way. And the fact that they would not be allowed to
7 mitigate for any project impacts under the new
8 guidance, and that may negatively affect any
9 subsistence resources that might be impacted. And
10 again this is very brief, very overview. It's not an
11 in-depth at all.

12 And then we looked at the same, you
13 know, physical resources for alternatives 2 and 3.
14 Again sort of the termination of the ACMP, we found no
15 positive impacts associated with that. Negative
16 impacts would be that, you know, the state could no
17 longer apply its federal consistency provisions under
18 the CZMA, so federal agencies would not be required to
19 comply with state law. And that would -- you know, it
20 had the potential negatively impact physical resources.
21 And then there was also the loss of the state coastal
22 management program, and the coastal standards that do
23 exist if the program ceased to exist.

24 And then as I mentioned, we then looked
25 at socio and economic resources. Positive impacts

1 under alternative 1, which was approval of the changes
2 would be increased permitting efficiency in a coastal
3 area, clearer guidance in the coastal standards which
4 the state was able to demonstrate, financial and time
5 savings for capital investors and an economic benefit
6 to the state from increased investment. We didn't find
7 any straight forward negative impacts related to the
8 changes themselves on the socio-economic environment.

9 For alternatives 2 and 3, again the
10 termination of the coastal management program, there
11 weren't any positive effects related to that, and for
12 negatives, you would lose -- the state would lose,
13 along with the districts who receive funding under the
14 Coastal Zone Management Act through the state, they
15 would lose that funding of approximately one and a half
16 million dollars a year, and then there would be the
17 loss of the benefits associated with alternative 1,
18 which we identified here in the previous slide.

19 There was a significant finding in the
20 DEIS. Under NEPA, the federal agencies are required to
21 take into consideration any impacts that they -- and
22 under the executive order that's listed here, any
23 impacts that their actions will have on the
24 environmental effect towards low income and minority
25 populations, and that has to do with health, economic

1 and social impacts. And in the findings of this DEIS
2 we did determine that the impacts to the subsistence
3 resources would constitute a negative environmental
4 justice finding. Since it would most impact the
5 population in the coastal area, we determined that
6 there was a large representation of minority
7 population, primarily native Alaskans, and low income
8 population in the coastal area itself. So any impact
9 on the subsistence resources would negatively impact
10 them.

11 And, so, I mean, that was the basic
12 finding. We just -- we had to put that in there, that
13 the preferred alternative will result in a
14 disproportionate potential for economic impacts on the
15 Alaska minority and low income population, as well as
16 social impacts in terms of in this case the coastal
17 district participation in subsistence resource
18 management. And that's due to the changes to the
19 guidance and the state -- I'm sorry, the district plans
20 and the way that they've been set up under the new
21 program.

22 So overall our conclusion is that the
23 preferred alternative is the preferred alternative
24 because the state has restructured its coastal
25 management program and revised its statewide standards

1 generally in compliance with the requirements of the
2 Coastal Zone Management Act. Our review of the program
3 amendment and the analysis of the three alternatives
4 finds that the majority of the revisions will likely
5 result in neutral effects to the physical and socio-
6 economic environment.

7 And when I say neutral effects, there
8 are times when you can find that there are negative
9 effects, but they may be offset by some sort of
10 mitigating factor. So in general they're considered
11 neutral.

12 And that while there may be some
13 adverse effects that cannot be avoided, such as the
14 environmental justice issues, the alternatives of
15 repeal and termination of the ACMP would result in
16 considerably more negative impacts to Alaska's coastal
17 resources, particularly the loss of federal consistency
18 and the demolition of -- or the demise of the district
19 programs. So that was why we considered approval of
20 the amendments our preferred alternative.

21 The schedule -- the current schedule
22 for completing the Alaska coastal program amendment
23 under NEPA is like right there. November 7th is the
24 deadline for providing your comments. November 9th we
25 will be having a conference call with the interested

1 native Alaskan governments. We have reached out to
2 them. And potentially after that conference call,
3 depending on the interest, we'll be having face-to-face
4 meetings with the tribes.

5 Very shortly thereafter we'll be
6 issuing the FEIS for the 30-day comment period, and it
7 will include -- the FEIS will include our response to
8 any comments we receive today, and any -- you know,
9 that we receive in the meantime.

10 And then by December 19th hopefully,
11 depending on what we find, and if there are no changes
12 made, and no need to, you know, resend out the DEIS for
13 comment, we'll adopt the EIS. By December 28th we
14 should be issuing a record of our decision along with a
15 requirement under the Coastal Zone Management Act which
16 is a program amendment decision which explains how the
17 change that the state submitted meets the requirements
18 under the CZMA.

19 And then there's just information for
20 people to copy if they need to -- if they want to know
21 where to send their comments to. That would be me.

22 So at this time I'd just like to ask if
23 anybody has any questions regarding the DEIS before we
24 open up. Yes.

25 MR. LOMAN: Helen, can you tell us what

1 happened at the meeting yesterday in Juneau?

2 MS. BASS: Not much. We had about --
3 we had two people testify and voice concerns, but that
4 was it.

5 MS. OKASAKI: There were about a total
6 of six people who showed up. We were done in about 20
7 minutes.

8 MS. BASS: Right.

9 MR. LOMAN: Thanks.

10 MS. BASS: Anybody else before we open
11 up the floor to comments. No? Okay.

12 Well, Massi's going to call out names
13 for people who have signed up to testify. We have a
14 small mike up here at the front. It's turned on. It's
15 just one you would hold in your hand. We'd ask you to
16 speak into that, so that the transcriber will be able
17 to -- and his microphone is also set up there. It
18 would be helpful. Thanks.

19 MS. MASSI: The first person would be
20 Tom Loman.

21 MR. LOMAN: Thanks. Okay. Where do I
22 sit?

23 REPORTER: Right there.

24 MS. BASS: You can sit or you stand, as
25 long as you take that little mike that's on the right.

1 MR. LOMAN: This little guy.
2 MS. BASS: That little tiny thing right
3 there, and speak into that.
4 MR. LOMAN: Speak into this.
5 MS. BASS: Yes.
6 MR. LOMAN: Can you hear me okay?
7 MS. BASS: It would help if you'd hold
8 it up.
9 MR. LOMAN: Well, I'll clip it on.
10 MS. BASS: Or clip it on.
11 MR. LOMAN: Off the record, great
12 sideburns by the way.
13 REPORTER: Thanks, Tom.
14 MR. LOMAN: Thank you. My name is Tom
15 Loman. I'm with the North Slope Borough. To be
16 honest, I did not intend to testify today, but we had a
17 late plane coming out of Barrow, and somebody may walk
18 through the door and testify more extensively than I
19 will. The borough, of course, will supply written
20 comments by the deadline on the 7th.
21 We've had some time to review the draft
22 EIS and I guess we understand the position you're in.
23 It's a no-win, thankless job you had to review this
24 thing under the circumstances of the various pieces of
25 legislation that were passed in the last couple of

1 years.

2 That being said, the borough has five
3 problems -- we have a lot of problems, but I'll narrow
4 it down to five major concerns with the draft EIS.

5 First is the conclusion that, as you
6 said, that there are neutral environmental and socio-
7 economic impacts. As I said in comments during the
8 scoping phase, the intention of this administration
9 when they passed these changes, or at least began the
10 process of amending the program, was that there be more
11 streamlined development of the coastal zone. They
12 stated that in those terms and in other meetings have
13 stated it in somewhat blunter terms. They want faster
14 and easier development in the coastal zoned. And I
15 think all of us understand that there is no such thing
16 as impact-free development. So the idea that you could
17 have neutral environmental impacts to us is an
18 unreasonable conclusion. And I'll touch on that a
19 little more later.

20 Secondly, we're concerned that the EIS
21 only has the three alternatives. We think a reasonable
22 fourth alternative would be approval in part and
23 disapproval in part of the state submittal. I think
24 that's the reality of where most of us come down in
25 looking at what the state has done. We understand we

1 can't go back in -- with respect to some aspects of the
2 changes that have been made, but in terms of the
3 regulations that are now in front of you, I think we
4 can make some reasonable changes to improve where we
5 are at the present point. And again we understand the
6 constraints you are under given the time frames, but a
7 fourth alternative I think would be an honest
8 assessment of the situation.

9 Third, there simply is not an adequate
10 analysis of cumulative impacts in the document. On the
11 North Slope, using us as an example, and I think this
12 example can be replicated throughout most of the
13 districts, we're seeing changes, particularly in our
14 ability to influence management of development on
15 federal lands at a time on the North Slope when we have
16 a tremendous expansion of the potential for development
17 on federal lands. Those kind of synergies of policies
18 and planning efforts need to be included in the
19 document. We have a potential on the North Slope,
20 explosion of development in the National Petroleum
21 Reserve, and if you've been following the news lately,
22 in the Arctic National Wildlife Refuge as well in the
23 next decade or so. So you have a vast area of the
24 North Slope which is increasingly opened to development
25 at a time when our role in managing that development is

1 being drastically decreased. And that doesn't seem to
2 have been touched on in the document.

3 Fourthly, our concern, of course, is --
4 on the North Slope is the ability of the state and the
5 ability of the North Slope Borough and other coastal
6 districts to manage activities on the federal OCS.
7 We've talked about that issue now for a couple of
8 years, and we think it is still unresolved in terms of
9 what we can do to affect activities on the OCS.

10 Lastly, we're concerned about the
11 environmental justice issue and the government-to-
12 government issue. I don't know what's going to happen
13 at the teleconference on the 9th, but I don't know how
14 you're going to deal with it if you have the majority,
15 for instance, of the affected tribal governments
16 wanting face-to-face consultation. Again, you're up
17 against the time crunch.

18 And in the environmental justice area,
19 you found an effect, and it's unclear what you're going
20 to do about that effect. And, again, if there was a
21 fourth alternative that allowed approval in part and
22 disapproval in part, I think you would have somewhere
23 to go with your conclusion that there's an
24 environmental justice effect. And, again, what the
25 state is doing, for what it's worth, is directly

1 counter to the principle underlying the environmental
2 justice analysis, the idea that minority and
3 economically disadvantaged populations should not
4 disproportionately be exposed to the risks of federal
5 actions at a time when the state is actually taking
6 local decision-making away from those same populations.
7 So it's -- the federal government's going one way in
8 terms of trying to protect those disadvantaged and
9 minority populations while the state seems not to care
10 terribly what our local communities have to say about
11 development in their own back yards.

12 I guess while I'm on my soap box, the
13 most significantly unresolved variable in the effects
14 analysis in the document is the statutory and
15 regulatory changes that have been made, how they will
16 be implemented, and you touched on that briefly. But
17 implementation has been the elusive final piece of the
18 puzzle. And, you know, let's be clear that, you know,
19 common sense kind of dictates that before you can
20 assess the effects of an action, you need to know what
21 the action is. And I don't think OCRM with a straight
22 face, nor the state with a straight face can say we
23 know what the amendment to the state program is yet,
24 because we don't know how it's going to be implemented.
25

1 Let's also be clear that it was largely
2 the state's failure to be clear about how they were
3 going to implement both the statutes and the
4 regulations that caused the long delay in negotiations
5 before preliminary approval was granted.

6 MS. BASS: You have about one minute.

7 MR. LOMAN: I'm sorry?

8 MS. BASS: You have about one minute.

9 MR. LOMAN: One minute. Okay. I can
10 talk fast, I'm from the East Coast.

11 Let's also be clear that, you know, at
12 every juncture where there's been either an opportunity
13 or the state has been faced to describe with some
14 detail how it's going to implement the program, it has
15 been clear with each subsequent guidance or
16 interpretation of guidance that the role of local
17 districts has been constricted more and more and more,
18 and that we are light years away from where initially
19 the legislature and the public was led to believe we
20 were going to be at this point in terms of the role of
21 local districts in the process.

22 Let's also be clear that for the last
23 two and a half years or more, I think the State has
24 misrepresented what the role of local districts was
25 intended to be in the process. And I think you need to

1 address in the final document the lack of consistency
2 in the state's interpretation of what the role of local
3 districts was going to be in the final process, that
4 given that and the tendency at every juncture, whether
5 it's been in guidance memos or every time they needed
6 to go to the legislature to get approval of something,
7 and most recently in the review comments on all of our
8 revised plans, it has been made clear, the trend has
9 been for greater restriction. And I think that trend
10 needs to be acknowledged, and especially in light of
11 the fact that there is great room for continued
12 mischief to be done after approval given the open-
13 endedness of the possible interpretation of the regs,
14 that more can and likely will be done if you look at
15 the trend to further restrict the local role in
16 decision-making, and that feeds not only into the
17 environmental justice conclusion that you've already
18 reached, but it also, if you look at the history of the
19 program, and it being a workable tool to mitigate the
20 impacts of coastal development, you're likely to lose
21 that. You're likely to lose that as a tool at the
22 local level to mitigate impacts, and therefore you're
23 going to have more impacts. If you don't get the local
24 folks involved in mitigation early on, you're going to
25 have more impacts. And so I think the open endedness

1 of the implementation component of the program needs to
2 get more fully addressed in the final EIS.

3 MS. BASS: Okay. Thank you.

4 MR. LOMAN: Thank you.

5 MS. OKASAKI: Next will be Marlene
6 Campbell.

7 MS. CAMPBELL: Let's see where to put
8 this. Will that work?

9 MS. BASS: Yes.

10 MS. CAMPBELL: Okay. My name is
11 Marlene Campbell. I'm the Sitka coastal management
12 coordinator for the City and Borough of Sitka. I have
13 been since 1987. Our coastal program, however, was
14 approved in 1981, making it one of the oldest coastal
15 programs in the state of Alaska.

16 I'd like to thank you for your efforts
17 to revise the -- or to develop the EIS, and to complete
18 these public hearings. Sorry they weren't more well
19 attended, but hopefully there will be some more public
20 comments coming in.

21 City and Borough of Sitka, just as
22 background, and 4710 square miles, about 300 miles of
23 coastline. It's part of the Southeast Alaska Island
24 Archipelago. And of our coastal area, of our entire
25 area, over 95 percent is in the Tongass National

1 Forest, and over 95 percent arbitrarily of our waters
2 are state-owned, making almost our entire environment
3 publicly-owned lands with two large wilderness areas as
4 well. Sitka is the only community in this entire
5 almost 5,000 square miles. It's got less than 9,000
6 population. And our coastal management program has
7 consistently been extremely important to our citizens
8 to have a seat at the table in land and water decision-
9 making that enable us to subsist and recreate and live
10 in our coastal zone in a very active daily way, and to
11 balance the protection of the environment with the
12 development of our economy.

13 The revision in the Alaska Coastal
14 Program is causing enormous harm to this thoughtful
15 balance between the environmental protection and
16 private development, between our community's right to
17 have the input that we have historically had through
18 our coastal program into what is done with our public
19 lands and waters as well as private, but it's almost
20 all public. And that said, the maintenance of the
21 federal ACMP is absolutely crucial to our local coastal
22 district's participation in the ACMP. It is absolutely
23 essential to our seat at the table and decision-making
24 for permitting without which our citizens would have
25 absolutely nothing to say about what's going on in our

1 backyard.

2 And alternative 1, of course, is the
3 only alternative that permits, unequivocally permits
4 the coastal program to continue. Like other people in
5 this room, I feel that it's -- although it's extortion
6 by the state to either meet alternative -- or either
7 support alternative 1 or risk the loss of the entire
8 Alaska Coastal Management Program, I don't feel that we
9 have any choice in order to maintain our voice, however
10 quiet that voice is in land and water decision-making,
11 we have to hold on to the federal program. I can't
12 tell you how strongly our citizens feel about our
13 participation in this program. And it is imperative to
14 us that it continue at least in the City and Borough of
15 Sitka. And therefore we support your efforts to make
16 that happen.

17 However, I do share the other
18 commenters concerns. And I've read a number of the
19 letters commenting on the various alternatives that
20 have been presented, and I agree that the effects of
21 the state's actions are incredibly negative to our
22 programs, and to see that there are really no impacts
23 is, of course, ludicrous. We really need to
24 acknowledge where we're at and then struggle to hold on
25 to what we have left to maintain our local programs.

1 And we think this as a plus both for the environment
2 and for our economy and for our way of life, our --
3 which is very much in the Sitka area a subsistence
4 lifestyle.

5 I'd like to thank the Office of Coastal
6 and Resource Management for your support at our local
7 level. We will go our best to continue to serve the
8 ACMP as strongly as we are permitted to do so, and I
9 thank you for the opportunity to comment.

10 MS. BASS: Thank you.

11 MS. OKASAKI: Next would be Judy Brady.

12 MS. BRADY: Can you hear?

13 MS. BASS: Yes.

14 MS. BRADY: Good afternoon. My name is
15 Judy Brady. I'm the executive director of the Alaska
16 Oil and Gas Association. AOGA is a private nonprofit
17 trade association whose 17 member companies account for
18 the majority of the oil and gas exploration,
19 development, production, transportation, refining and
20 marketing activities in Alaska.

21 AOGA appreciates the opportunity to
22 provide public comment on OCRM's review of amendments
23 to the Alaska Coastal Management Program DEIS. We will
24 be providing written comments prior to the end of the
25 public comment period on November 7th.

1 As a background note, AOGA has been
2 participating as a stakeholder not only in the
3 beginning of the ACMP program legislation in Alaska in
4 the late 70s, but throughout until the present and to
5 the present time.

6 AOGA supports alternative 1 of the
7 DEIS. This confirms OCRM's preliminary decision in
8 2005 that the ACMP amendments meet the approvability of
9 the Coastal Management Zone Management Act. We believe
10 that the analysis in the DEIS supports alternative 1.
11 Under this alternative, the Office of Ocean and Coastal
12 Resources Management can approve the Alaska program
13 change amendments submitted on June 2nd, thereby
14 incorporating amendment into the federally-approved
15 Alaska Coastal Management Program.

16 As I said before, we'll have more
17 extensive and directed comments by the deadline of
18 November 7th.

19 For today, we would note that aside
20 from what we see as a couple of inaccuracies and what
21 we believe to be a couple of mischaracterizations,
22 which we will address in our written comments, the text
23 of the DEIS is cautious and guarded as is appropriate.
24 Although there are numerous places where the DEIS
25 states that there may be possible impacts to areas of

1 concern, including subsistence and environmental
2 justice, the actual analysis says that while the
3 effects are possible, they will be mitigated by
4 existing federal and state law.

5 Most importantly, the text reaffirms
6 the approvability of the amendments under the CZMA.

7 Overall, AOGA views the amendments as
8 critical and absolutely necessary to the updating of
9 the Alaska Coastal Management Program. Failure for
10 OCRM to take action or to be slow to act, alternative
11 2, or to deny the amendment, alternative 3, would end
12 the coastal management program in Alaska. We believe
13 that with the adoption of these amendments and the
14 continued careful and thoughtful governance of the ACMP
15 within the spirit and guidelines of the legislation,
16 ACMP will have renewed vigor and purpose in the
17 management of Alaska's coastal resources.

18 This is a much more positive place than
19 we were four years ago when we had come to the
20 conclusion that the ACMP program had become so complex
21 and dysfunctional that it might not survive. It was
22 after lengthy discussions with other stakeholders that
23 we finally decided that major updating and refocusing
24 was required if there was to be a workable coastal
25 management program in Alaska.

1 Before coming to that conclusion, AOGA
2 had participated for three years in an intensive effort
3 to update and streamline the ACMP consistency
4 determinations. This effort, initiated by the state,
5 involved the state agency office, Division of
6 Governmental Coordination at the time, the coastal
7 districts, the Coastal Policy Council, and
8 municipalities.

9 While some individuals are now saying
10 there were not problems with ACMP before, the record of
11 these three years of meetings and review tell a
12 different story. One DGC manager told a group of
13 coastal districts and other stakeholders, I think it
14 was in this hotel, and there was about 150 of us there,
15 that he had, quote, a stack of files, unquote, on his
16 desk from 1984, quote, when folks started proposing
17 changes to these regulations, unquote. There were in
18 fact problems with every aspect of the program as
19 identified in these meetings with coastal districts,
20 the Coastal Policy Council, the industry and
21 municipalities.

22 It was generally agreed that to fix
23 ACMP not only would the consistence determinations have
24 to be updated, but the standards would also have to be
25 changed along with many of the process requirements.

1 Now, the fact is we probably would have disagreed on
2 some of the changes that would be made, but we all
3 agreed that changes needed to be made.

4 Internally we asked as an association,
5 an industry association, we asked ourselves at several
6 junctures, is it worth the effort and time to
7 revitalize Alaska Coastal Management Program? Do we
8 need a coastal management program when Alaska's
9 environmental protection structure is so much a part of
10 the fabric of our local, state and federal laws? We
11 believed then and we believe now that the state and
12 federal laws protecting air, land, water, habitat, fish
13 and game, and subsistence provide a high standard of
14 environmental protection for all the coast, all of the
15 state's coastal lands and waters as well as the state's
16 interior lands and waters.

17 MS. BASS: You have about one minute.

18 MS. BRADY: The community and
19 legislative leadership of coastal areas throughout
20 Alaska since statehood have been consistently
21 successful in identifying and passing legislation that
22 protect their local interests. Legislative and local
23 government protection of Alaska's air, land, water,
24 habitat, and wildlife and subsistence have been a
25 priority since Alaska's constitutional convention when

1 these issues, particularly fish and gave, because the
2 centerpiece.

3 This concludes my remarks. We thank
4 you for the opportunity to comment. The updating of
5 this program has been a long, slow, sometimes tedious,
6 sometimes contentious undertaking. There's still a lot
7 of work to do, left to implement these changes, but we
8 believe the realization and revitalization of ACMP is
9 worth the effort that has gone before and will be worth
10 the effort still to be undertaken.

11 Again, in closing, we urge you to adopt
12 alternative 1.

13 MS. BASS: Thank you.

14 MS. BRADY: Thank you. And I have
15 a.....

16 MS. BASS: You can give it to Masio
17 Okasaki in the back, thank you. Oh, careful, you've
18 got the -- that's the problem with that one, yeah.

19 MS. BRADY: It's a good thing I didn't
20 swear.

21 (Laughter)

22 MS. BRADY: Sorry.

23 MS. BASS: That's okay.

24 MS. OKASAKI: The next person is Glenn
25 Gray.

1 MR. GRAY: Good afternoon, my name is
2 Glenn Gray, and I've been involved with the Alaska
3 Coastal Management Program for about 13 years or more.
4 I'm currently a consultant working to revise seven
5 coastal district plans, but today I'm here representing
6 myself.

7 I'll begin by thinking OCRM for coming
8 to Alaska to hold these public hearings. I have great
9 respect for the Federal Coastal Zone Management staff,
10 their leadership and their promotion of coastal
11 management and stewardship throughout the United
12 States.

13 That said, I must admit that I'm very
14 disappointed with the content and analysis in the EIS.
15 I'm not surprised there's a small turn-out here today,
16 and if you'll look around the room, there aren't too
17 many native people here either. In fact, when I was
18 trying to consider whether or not to testify, my first
19 thought was why bother. By all appearances, the EIS is
20 a justification of a decision already made. And if you
21 look at the time frame after this meeting, it's clear
22 that the decision is already made.

23 The finding that there would be neutral
24 overall effects to the ACMP changes is not supported by
25 fact. In fact I found it puzzling that you found there

1 are environmental justice concerns and affect to
2 subsistence, yet in your overview this morning, it said
3 there would be no socio-economic effects. Not neutral,
4 but none. Clearly these changes would not be promoted
5 by the current administration and industry if they had
6 only neutral effects. They wouldn't be here today.

7 The draft EIS does not meet the intent
8 of the National Environmental Policy Act, or NEPA for
9 short. It does not include an adequate analysis of the
10 effects of the proposed changes, including cumulative
11 effects, and it does not analyze sufficient
12 alternatives as is required by the federal regulations.

13 I think the EIS is based on a false
14 premise. In the introduction to yesterday's hearing,
15 staff said that OCRM can't assume that there will be
16 less coverage under the new ACMP. By the same token, I
17 would argue that OCRM cannot assume that there would be
18 more or equal coverage under the ACMP changes. In fact
19 I believe that NEPA requires OCRM to do an analysis of
20 the proposed effects -- the effects of the proposed
21 changes. I agree that would be difficult to determine
22 those effects, but it is possible.

23 In fact, many of the aspects of the
24 coastal management program changes have been
25 implemented now for a couple of years. By looking at

1 some of the reviews that have been done, what's in,
2 what's out, I think you get an idea of what the effects
3 might be. Clearly they won't show themselves for
4 perhaps 10 or 20 years, but there will be effects.

5 I think an analysis should include a
6 three-step process. First, the changes to the program
7 should be clearly analyzed using the amendment and
8 comments by state agencies on the draft coastal
9 district plans.

10 Second, the effects of those changes
11 should be evaluated. In order to accomplish this step,
12 it would be necessary to analyze which enforceable
13 policies would no longer be applicable or approvable.

14 And then the first part of an analysis
15 would be a gaps analysis, and to take a look at the
16 existing state and federal regulations to see if they
17 really would fill the gaps that would be left by the
18 gone enforceable policies and the weakened statewide
19 standards. In act, I think you have several experts
20 around the room here in that, because the state of
21 Alaska's required each coastal district separately to
22 do an analysis of the state and federal laws in order
23 to even justify a policy.

24 It's my opinion that because Alaska has
25 depended on the coastal management program for nearly

1 30 years, that it has not been necessary to enact
2 environmental laws that are very common to most if not
3 all other coastal states, such as growth management or
4 little NEPA laws. And as an example, there are a
5 couple of state agencies that don't even have public
6 notice requirements for their permits, because they
7 depended on the ACMP review to do that for them.

8 I would urge OCRM to slow down the
9 process and do it right.

10 The final EIS should include a more
11 complete analysis of the effects of the changes,
12 including the effects to Outer Continental Shelf
13 reviews and reviews on federal land where a DEC permit
14 is not needed. It's my conclusion from reading the
15 regulations that there is no opportunity for public
16 comment during those reviews for air or water quality
17 issues.

18 The analysis should included other
19 reasonably foreseeable effects such as the provision
20 before Congress currently that would exempt Alaska from
21 some federal activities inland of the coastal zone. It
22 would also be important to include an evaluation of the
23 current proposal by the Department of Natural Resources
24 in Alaska to reallocate funding among the coastal
25 districts.

1 If the final EIS includes a finding of
2 neutral impacts, I believe the OCRM will be saying that
3 the effects to low income and minority populations
4 identified in the EIS are not important. It will be
5 saying that the impacts to subsistence and subsistence
6 resources are mitigated by other matters. By approving
7 the proposed changes OCRM will be saying that the
8 previous program that it has funded for many years,
9 including local district programs, were not necessary.

10

11 And, lastly, by approving these changes
12 OCRM will be sending a message to other states that
13 they can decimate their coastal programs and still get
14 federal funding. The potential effects of these
15 changes would not only affect Alaska, but potentially
16 the entire country.

17 And again this -- I want to thank you
18 for the opportunity to testify. I do appreciate you
19 coming to Alaska, and I do hope that you'll slow down
20 and take a second look, because I think once you
21 understand the implications of these changes, I think
22 you'll understand that they aren't neutral. Thank you.

23 MS. BASS: Thank you.

24 MS. OKASAKI: Next is Marv Smith.

25 MR. SMITH: Can you hear me?

1 MS. BASS: A little louder.

2 MR. SMITH: Okay. Okay. I guess I'll

3 get it a little close to my mouth. Okay. Is that

4 okay?

5 MS. BASS: Yeah.

6 MR. SMITH: All right. My name is Marv

7 Smith. I represent the Lake and Peninsula Borough.

8 I'm the community development coordinator, and under

9 that job I manage coastal management for the Lake and

10 Pen Borough.

11 Thank you for the opportunity to reply

12 today to the EIS. It's a very important document

13 concerning the future of Alaska and the coastal

14 management program.

15 The Lake and Peninsula Borough has been

16 an active participant in support of the ACMP since our

17 forming in April of 1989, and hope to continue to

18 support it in the future. However, to put it into

19 simple language, the actions of the state of Alaska

20 legislators has put all coastal districts, especially

21 Lake and Peninsula Borough, into the position of

22 accepting the new amended program as presented by the

23 state, or face the possibility of not having any state

24 coastal management program at all.

25 This is a program that as originally --

1 that was originally designed to possess the waters of
2 our borough, which our citizens are so dependent for to
3 survive, for economic and subsistence life style.

4 I must identify that the EIS failed to
5 mention that in the alternative number 1 and number 2
6 that the choice of the people and OCRM, House Bill 102
7 has a provision for the state legislators to actually
8 revisit the issue in 2006 in legislative session.
9 However, there is significant question, if at all, the
10 will in these legislators to extend the program could
11 be obtained by legislators, and if so it was, it would
12 possibly vetoed by the Governor.

13 So therefore Lake and Peninsula Borough
14 is basically given no choice to accept alternative
15 number 1, but it will go on record that -- of our
16 nonconcurrence with the following items, that we
17 strongly disagree -- that we strongly disagree with in this
18 amendment.

19 The mineral program would completely
20 changed the statewide standards to the point that local
21 districts have no local input. Several of the
22 standards were completely eliminated from the program,
23 and many other standards were weakened.

24 Subsistence. Several changes have
25 weakened this standard -- many changes have weakened

1 the standard. Provisions to assure access to
2 subsistence resources has been removed. Additional
3 policies can only be established for areas designated
4 for subsistence use. Policies may only address the use
5 and not the resource itself. It remains to be seen
6 what evidence DNR will require for establishment of the
7 subsistence use areas. Subsistence use changes from
8 year to year due to changes in migration patterns.
9 Comments on the draft plans to DNR state that the avoid
10 or minimize clause in this standard adequately
11 addresses most issues, and the districts can only allow
12 or disallow a use. the standard does not include a
13 mitigation clause when -- even though many development
14 projects will have adverse impacts where mitigation
15 will be appropriate.

16 Habitat standards. The proposed
17 standard removes the requirement to maintain and
18 enhance habitats unless a project meets a three-part
19 test. DNR's interpreting the management measures in
20 subpart (b) of the standard as the only matters that
21 can be addressed for each habitat listed. Most
22 reference to living resources have been removed from
23 the management of resources part (b) of DNR. DNR is
24 saying that the avoid or minimize or mitigate clause in
25 this standard adequately addresses all impacts on the

1 habitat, but it says that districts can establish
2 policies that allow or disallow uses.

3 Upland habitats have been removed as a
4 specific category in this standard. Districts may only
5 establish policies for areas where -- that designate
6 important habitat. It will be difficult to establish
7 important habitat, because of the new requirements.
8 State law is inadequate to protect habitats. The
9 Office of Management and Permitting has only two narrow
10 laws with no regulations.

11 Mining has been removed. The mining
12 standard has been replaced by sand and gravel extraction
13 standard, and it only applies here is with salt water
14 and barrier islands. Placer mining and hard rock
15 mining are no longer a subject use in ACMP. We
16 strongly disagree with this decision as our borough is
17 faced with the development of Pebble copper mine in
18 Iliamna, which could be the largest gold/copper mine in
19 the world. This project as approved has potential to
20 be the largest pit mine operation in North America
21 besides for gold and copper.

22 Energy facilities. DNR has -- says
23 that the only way a district may establish policies for
24 energy development is to designate an area as suitable
25 for energy development. Since districts do not have

1 access to information available to industry, they not
2 -- they don't allow where oil and gas resources exist.
3 Many districts could not support offshore development,
4 but under DNR's interpretation of law, they could not
5 establish policies for offshore oil development unless
6 they designated areas as suitable for development.

7 Consistence reviews. We strongly
8 disagree with the following changes to the consistency
9 reviews. Limiting the reviews to coastal zone formally
10 (ph), yet any project will potentially impact the
11 coastal resources or for renewal. Changes were made in
12 the June 2005 changes to regulations to make it appear
13 that DNR will review federal activities outside of the
14 coastal zone. This removes the ability to conduct
15 consistency reviews for activities inland from the
16 coastal boundary. The legislation has eliminated coal
17 bed methane projects from consistency reviews, even
18 though these resources require more wells and more
19 water usage than typical oil and gas developments.

20 MS. BASS: You have one minute.

21 MR. SMITH: Reduced local control is
22 the major thing that's been affected by our districts.
23 New measures will reduce the ability of coastal
24 districts to manage coastal resources and use and it
25 can be expected that there will be additional impacts.

1 Air, land and water quality removal has
2 been very critical to the project. I think that
3 removing air, land and water quality is the most
4 critical thing in the overall changes the state has
5 made.

6 And the potential for outer continental
7 shelf projects is even more with the Bristol Bay
8 Borough and Lake and Peninsula Borough directly in the
9 middle of the Bristol Bay region for development of oil
10 and gas. That is critical to our region, and we feel
11 that the potential for outer counter shelf development
12 in our region is very -- is going to happen.

13 The state has continually said that
14 Title 21 powers can be used by the borough. That is
15 yet to be determined whether it will have an affect or
16 not.

17 Therefore we feel that the Lake and
18 Peninsula Borough at this time has no choice but to be
19 backed into a corner, and to use alternative number 1
20 to keep the program alive.

21 Thank you.

22 MS. BASS: Thank you.

23 MS. OKASAKI: Next is Delbert Rexford.

24 MR. REXFORD: Good afternoon. Now, how
25 do I address you?

1 MS. BASS: You don't have to address
2 me, just say hi.

3 MR. REXFORD: Is there a formality?

4 MS. BASS: No.

5 MR. REXFORD: It's my understanding
6 that my colleague has brought out the five issues that
7 we're concerned about within the North Slope Borough.
8 But I am here to speak as an indigenous individual
9 dependent on resources to sustain a unique culture.

10 Before the state and the federal
11 government progresses to allow an environmental
12 genocide to occur, I think there's some serious
13 considerations that need to be considered. First and
14 foremost, for those of us who are indigenous to the
15 region, natives of Alaska, dependent on the resources,
16 are very concerned that we would no longer have control
17 to express our concerns, meaning the fundamental right
18 to due process of any potential impact on the resources
19 that sustains our unique cultural identity.

20 Secondly, I think the United States
21 through your programs needs to recognize that what is
22 happening today, or what is being proposed by the state
23 is detrimental to the environmental integrity of all of
24 Alaska. When I say all of Alaska, we talk about the
25 marine resources, we talk about the fisheries, we talk

1 about migratory birds, we talk about all the wildlife
2 that is dependent on the habitat and the environment
3 that Alaska has to offer.

4 Local municipalities are given the
5 opportunity as coastal districts to monitor, to have
6 oversight and to review policies and potential
7 activities and this potentially being taken away from
8 us. We need to continue that relationship, because we
9 as indigenous peoples are the eyes and ears of the
10 resources that we depend on. The state is not the eyes
11 and the ears. We live off the land, we subsist off the
12 land, off the rivers, off the ocean. And this is
13 critical to us.

14 I'm speaking from the heart. It's
15 critical to us, because once the industry, meaning the
16 oil and gas industry or other -- and other industry
17 that is interested in hard rocks and other minerals, is
18 allowed to devastate our ecology, our environment, is
19 detrimental to the indigenous community.

20 As I look around this room, I do not
21 see the indigenous community being represented.

22 I would like to submit a resolution as
23 a part of the record of the concerns of the Alaska
24 Federation of Natives and the tens of thousands of
25 Alaska's people that are dependent on these resources.

1 I speak as an individual, but for the record, I'd like
2 to speak -- read this resolution that was passed by the
3 Alaska Federation of Natives because of the concern
4 that we have on the Alaska Coastal Management Program.
5 Resolution 05-10.

6 Whereas Alaska Federation of Natives
7 supports programs that contribute to the economic,
8 social, and cultural well being of the residents of
9 rural Alaska; and

10 Whereas local control of coastal
11 resources, including subsistence is essential to the
12 quality of life for rural Alaska residents; and

13 Whereas the Alaska Coastal Management
14 Program has provided an important means for local
15 control of coastal resources and uses; and

16 Whereas proposed changes to the ACMP
17 would severely restrict the ability of the Coastal
18 Resource Service Area Boards to manage coastal
19 resources and uses; and

20 Whereas changes to the ACMP eliminate
21 the ability of the CSRA to establish meaningful,
22 enforceable policies for ACMP consistency reviews of
23 coastal projects, especially regarding the impacts on
24 subsistence and habitats; and

25 Whereas the Office of Ocean and Coastal

1 Resource Management and NOAA is currently assessing the
2 impacts of the ACMP changes through development of an
3 environmental impact statement;

4 Now, therefore be it resolved that the
5 delegates to the 2005 annual convention of the Alaska
6 Federation of Natives, Inc., that the Alaska Federation
7 of Natives supports a thorough analysis by the Office
8 of Ocean and Coastal Resource Management of the effects
9 of the proposed changes to coastal resources and uses
10 in subsistence and coastal habitats before November 7,
11 2005;

12 And be it further resolved that we
13 oppose any bill or administrative actions which weakens
14 the ability of the CSRA to protect our environment and
15 the resources upon which we depend in that CSRA
16 required in special task funds and that CFRSA required
17 -- requires and special task funds are not eliminated;

18 And be it finally resolved that this
19 resolution be forwarded to Governor Murkowski urging
20 him to direct the Commissioner of ADNR to review the
21 agency's interpretation of the ACMP regulations, and if
22 necessary revise the regulations to make it clear that
23 coastal districts have the ability to establish
24 subsistence use areas and meaningful enforcement
25 policies without being subjected to undue regulatory

1 burdens.

2 Excuse me, I'm excited. I'm excited
3 for the future of my children, because the decisions
4 that we make today have far reaching effects and
5 impacts on indigenous people's way of life, their
6 cultural identity, their dependence on the resources,
7 their accessibility to the resources that make them
8 unique Alaskan natives in diverse areas all across
9 Alaska. And we feel very strongly that what has been
10 proposed and what has transpired is an environmental
11 justice, not only to all of the United States, also to
12 Alaska's First Peoples who are dependent on those
13 resources as a part of their cultural identity.

14 Thank you for this opportunity.

15 MS. BASS: Thank you.

16 MS. OKASAKI: The last speaker I have
17 right now is Bob Shayblson.

18 MR. SHAYBLSON: Thank you. My name is
19 Bob Shayblson. I'm the executive director of Cook
20 Inlet Keeper. We're a nonprofit organization with
21 approximately 500 members that use and enjoy the
22 coastal resources of Southcentral Alaska.

23 Forgive me, I don't have formal
24 comments to submit here. I've just jotted some notes.

25

1 I have to concede the feelings of some
2 of the previous speakers. We've gotten a little bit
3 jaundiced with this process. It's been ongoing for a
4 number of years. It's been difficult to watch. And,
5 in fact, it's really been kind of an embarrassment for
6 anybody that has been involved with coastal management
7 for any time. I've been looking at these issues for
8 approximately 10 years. There's a lot of people that
9 have been looking at them longer, but when we look at
10 the process the state has undertaken here, it's really
11 been bumbled and misrepresented and fraught with
12 outright falsehoods as I've seen represented to the
13 legislature and to the people of Alaska.

14 I guess I would say just outright,
15 there did not appear at the time the changes were
16 sought and there don't appear to me now to be the need
17 for these draconian revisions. I disagree very
18 strongly with Ms. Brady at the Alaska Oil and Gas
19 Association. She can point to a list of proposed
20 regulations dating back to 1984 from somebody from DGC,
21 but those were all things that came from industry, and,
22 of course, industry is going to want to limit their
23 environmental costs and their labor costs, because
24 that's what industry does to maximize their profit.
25 It's not a reflection of what's in the best interest of

1 Alaskans here.

2 And, in fact, when we looked at the
3 issue objectively, and we looked at the facts, I went
4 to Mr. Randy Bates at the time, and I said, can you
5 give us the statistics on time lines for project
6 reviews. And we came back and we found that there was
7 really no undue amount of time for these projects, and
8 they fell within the 60-day project reviews generally,
9 and 90 days. if that was the case. But there really
10 wasn't undue delay on these projects, so it was really
11 a smoke screen to push through an industry agenda that
12 we're all being subject to now.

13 One of things, I just want to thank
14 OCRM, and I think you are in a very difficult position
15 to have to go through an EIS development process here
16 in such an abbreviated time line. I don't think that's
17 fair, and I think it's ludicrous to think that you
18 could really do a thorough job. When I look at a
19 thorough EIS, I go back to looking at the 1978, the
20 original EIS that accompanied the original program, and
21 that was thorough and in depth, and again I just think
22 it would take a superhuman effort to have done so in
23 just the past couple months here that you've had.

24 So with that said, I -- we plainly feel
25 that the draft environmental impact statement is

1 woefully incomplete, and to us it really is kind of a
2 big flashing neon invitation to litigation, because
3 there's just gaping holes in it that fail to satisfy
4 even the most basic requirements of the National
5 Environmental Policy Act. I won't get super specific
6 here, but I will just on a couple things.

7 I've seen Governor Murkowski wrap
8 himself in this cloak of state's rights and pretend
9 that he was pushing forward the mantle of Alaskans
10 against the heavy hand of the federal government, when
11 in fact when I look at the outer continental shelf
12 provisions in here, the state is conceding incredibly a
13 host of rights that it previously had under the former
14 ACMP. So I think it's disingenuous to even think that
15 coastal communities, coastal districts, or even the
16 State itself is going to have any type of footing as it
17 previously had, and that needs to be reflected in the
18 analysis of the DEIS.

19 Really, there's so many things to point
20 to, and I'll just touch on a few that some of the
21 previous speakers have touched, but there's really no,
22 or virtually no analysis of the affects of the new
23 statewide standards. And, you know, the elimination of
24 mining, you know, is very curious to me, and I don't
25 think the irony is lost on many people that the former

1 head of DNR and the former head of OPMP came from the
2 mining industry. So it's caused a lot of concern with
3 people. Why would you take out such a significant use
4 from the coastal zone and this project review area.
5 Shallow natural gas, coal bed methane, probably the
6 most intensive land and water oil and gas extraction
7 that we know of has been reviewed, yet the DEIS looks
8 at that as neutral impact.

9 Loss of district enforceable policies.
10 Everything from the notion of flow from the coverage of
11 state/federal rules, things that have been touched on
12 by previous speakers. They avoid minimize and mitigate
13 provisions, the notion of adequately addressed. These
14 things are also inherently confusing, yet there's been
15 no effort in the DEIS to adequately understand what are
16 the individual or cumulative effects locally or
17 statewide on these things.

18 I want to point to one thing, because
19 it was something that was trotted out frequently in the
20 past, and I haven't seen it in a while, but I refer to
21 it as the AOGA spaghetti tree. And that was the --
22 that convoluted mass of lines that was held up at the
23 legislative hearing to show what a horrible morass this
24 process was and how confusing and unfair it was for
25 industry to get a permit. I would challenge AOGA or

1 any other industry group to now produce a similar chart
2 and show me what the process is in looking at those
3 concepts of flow from and avoid, minimize and mitigate,
4 and adequately addressed, and sort that out in an
5 understandable way where coastal Alaskans can know with
6 certainty what their roll will be in making local
7 coastal decisions. I think that at a minimum is needed
8 to understand what the individual and cumulative
9 effects are that are going to flow from these
10 programmatic changes.

11 The last thing I'd point on, and I
12 truly appreciate the comments of Mr. Rexford, and it's
13 very apparent that we have had virtually no
14 participation from the commercial fishing community or
15 the native Alaskan community in these discussions, the
16 environmental justice concerns are pressing and real,
17 and to me kind of undermine this entire effort. Cook
18 Inlet Keeper works with a variety of native tribes in
19 the Cook Inlet area, and none of them have been
20 approached or even engaged in this matter when in fact
21 these changes are going to intimately effect their
22 subsistence rights and resources on a daily basis.

23 I could go on and on, but I guess
24 suffice to say that Cook Inlet Keeper and the attorneys
25 that we consult with feel that the draft environmental

1 impact statement is legally inadequate, and the
2 Murkowski Administration has really lost the public
3 trust by stripping coastal Alaskans of any meaningful
4 role in coastal decision makings, so we would urge OCRM
5 to make a very serious effort along with the state of
6 Alaska to revise the document so it meets the mandates
7 of the National Environmental Policy Act.

8 Thank you.

9 MS. BASS: Thank you.

10 MS. OKASAKI: I do have one last
11 speaker, Gordon Brower.

12 MR. BROWER: Do I put this thing on or
13 just speak into it.

14 MS. BASS: There's just a little
15 speaker. A little tiny thing. There you go. That's
16 it.

17 MR. BROWER: All right. Good
18 afternoon. My name is Gordon Brower. I'm from the
19 North Slope. I've been with the North Slope Borough
20 for quite some time, and had a chance to work with the
21 Alaska Coastal Management Program for quite a long
22 while for the borough in implementing the program on
23 the borough side as a municipal government.

24 And I'd just like to point out some
25 things that -- how we've experienced the use in the

1 past and the effectiveness that we used it in the past.
2 And there's been a lot of talk about the changes and
3 how it would affect the coastal districts. We have
4 quite a bit of concern on how to steer development when
5 it's outside of the boundaries. That's one aspect of
6 it I feel that the reach has diminished the borough's
7 voice on the North Slope.

8 The North Slope is probably producing
9 to the tune of about 20 percent of the domestic oil
10 supply for the United States. And that's where
11 additional development is being sought. You're going
12 to see probably ANWR in the future. A big debate going
13 about that and the approval process getting to move
14 forward.

15 NPRA, another area where it's federal
16 public lands, and a lot of proposed development and
17 exploration occurring.

18 And those are some of the questions we
19 have, is the inability that may come with some changes
20 with the Alaska Coastal Management Program. Before we
21 had some reach where we were able to steer development
22 in terms of protecting pristine arctic environment.
23 The marine environment that the Inupiat people depend
24 on, the whales, the belugas, the seals, all of those
25 where development is looking into, and lease sales that

1 are occurring. We have a problem in the past with
2 these types of proposals, but trying to steer and
3 implement mitigation through the old program. And I
4 see that as a big, big issue with the current proposals
5 with some of the stuff, the carve outs and stuff like
6 DEC water quality and those kind of issues where we
7 used it prevalently on proposals that would be
8 affecting the North Slope.

9 The others that I see in creating
10 subsistence zones on -- I don't really understand. I
11 haven't been really involved with it so much, but I
12 just know by experience in using the program what we're
13 used to in steering the development so it's the
14 betterment of the people, the people that reside on the
15 lands, that subsist, for the resources that come to the
16 North Slope.

17 In one case, we used to be able to make
18 mitigation when major migration events occurred, when
19 an animal is outside of the resource of the coastal
20 zone, to be able to make sure that migratory path is
21 unaltered all the way to its destination in the coastal
22 zone. Those types of things were included to be able
23 to extend that boundary when it was going to affect the
24 coastal resources to their destination. Those kind of
25 things are missing and very detrimental to major

1 migration issues.

2 So those are just only a few little
3 topics that I can bring out, because we've used this
4 extensively, and we hope that there be some meaningful
5 changes, where there is still meaningful roles to --
6 for the municipalities to play, the coastal district,
7 the CRSAs. They need to be able to be in this program
8 and be a player that would effect the people that live
9 on the land.

10 Thank you very much. That's all I
11 wanted to say.

12 MS. BASS: Thank you.

13 MS. OKASAKI: That's all I have now.

14 Is there anybody else who would like to speak we'll be
15 here. Okay.

16 MS. BASS: Well, if not, we are going
17 to be here until 6:00 o'clock in case anybody wanders
18 in and wants to provide more comments.

19 (END OF PROCEEDINGS)

1 C E R T I F I C A T E

2
3 UNITED STATES OF AMERICA)
4) ss.
5 STATE OF ALASKA)
6

7 I, Joseph P. Kolasinski, Notary Public in and for
8 the state of Alaska, and reporter for Computer Matrix
9 Court Reporters, LLC, do hereby certify:

10 THAT the foregoing DRAFT EIS Meeting on the Alaska
11 Coastal Management Plan was electronically recorded by
12 Computer Matrix Court Reporters, LLC on the 1st day of
13 November 2005, commencing at the Marriott Hotel in
14 Anchorage, Alaska;

15 That this hearing was recorded electronically and
16 thereafter transcribed under my direction and reduced
17 to print;

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and affixed my seal this 13th day of November 2005.

20

21
22 _____
23 Joseph P. Kolasinski
24 Notary Public in and for Alaska
My Commission Expires: 3/12/08